

**CITY OF XENIA, OHIO  
RESOLUTION 2022 – U**

**AUTHORIZING A USE AGREEMENT WITH BEYOND MOTORS, LLC, FOR  
THE USE OF CITY-OWNED BIKE TRAIL PROPERTY LOCATED ADJACENT TO  
1307 N. DETROIT STREET**

**WHEREAS**, Section 723.121 of the Ohio Revised Code grants to the legislative authority of a municipal corporation the authority to permit the use of, for such period as it shall determine, any lands owned by municipality not needed for street or highway purposes;

**WHEREAS**, the City currently has a lease agreement with Robert M. Spitz, Trustee and Lois J. Spitz, Trustee that allowed ingress and egress on a City-owned parcel of land on which the Little Miami Scenic Trail is located;

**WHEREAS**, Beyond Motors, LLC, successor to Robert and Lois Spitz, wishes to terminate the lease and instead enter into a use agreement with the City to allow continued usage of a rear ingress and egress driveway for an adjacent auto repair establishment at 1307 N. Detroit Street; and

**WHEREAS**, a Use Agreement has been found to be a more streamlined legal mechanism than a lease agreement for accomplishing the mutual goals of Beyond Motors, LLC, and the City of Xenia.

**NOW, THEREFORE, THE CITY OF XENIA HEREBY RESOLVES**, at least four (4) members of the City Council concurring, that:

**Section 1.** The City Manager is hereby authorized to execute a Use Agreement with Beyond Motors, LLC, to allow for the usage of the Little Miami Scenic Trail parcel adjacent to 1307 N. Detroit Street, as shown on the attached Exhibit A, for a rear ingress and egress driveway, subject to Beyond Motors, LLC, completing its acquisition of 1307 N. Detroit Street and compliance with applicable zoning, building, health and any other applicable Federal, State or Local laws.

**Section 2.** In no case shall the City of Xenia be liable for any damages that may arise through, or because of, Beyond Motors, LLC's use of the City's property, and the Use Agreement authorized pursuant to Section 1 of this Resolution, above, shall contain an indemnification clause in favor of the City of Xenia and the public reflecting the same.


**Section 3.** It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

**Section 4.** This Resolution shall become effective immediately upon its passage.

Introduced: April 14, 2022  
Passed: April 28, 2022

Attest:

  
Michelle D. Johnson  
City Clerk

  
Wesley E. Smith  
President, Xenia City Council

# Exhibit A

